

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PHILIPPE BUHANNIC,

Plaintiff,

– against –

MARCY FRIEDMAN,

Defendant.

No. 18-cv-5729 (RA)

**DECLARATION OF  
ANGEL M. GUARDIOLA II**

**ANGEL M. GUARDIOLA II**, an attorney admitted to practice law in the United States District Court for the Southern District of New York, respectfully submits this declaration pursuant to 28 U.S.C. § 1746.

1. I am an Assistant Attorney General in the Office of Barbara D. Underwood, Attorney General of the State of New York, counsel to Defendant Justice Marcy S. Friedman. I submit this Declaration in support of Justice Friedman’s motion to dismiss the Complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure.

2. Attached as Exhibit A is a true and complete copy of Plaintiff’s consent to electronic service dated June 12, 2018, filed in *Shibolet L.L.P. v. Buhannic*, S.D.N.Y. Case No. 18-cv-2585.

3. Attached as Exhibit B is a true and complete copy of excerpts from the transcript of proceedings held on July 12, 2016 in Plaintiff’s underlying state action, *Buhannic et al. v. TradingScreen, Inc. et al.*, Index No. 653624/2016, in the Supreme Court of the State of New York, New York County, Commercial Division (hereinafter “Commercial Action”).

4. Attached as Exhibit C is a true and complete copy of a Decision and Order dated and filed March 2, 2017 with the so-ordered transcript of proceedings held on February 7, 2017 in the Commercial Action.

5. Attached as Exhibit D is a true and complete copy of excerpts from Plaintiff's amended complaint dated October 6, 2016 in the Commercial Action, with redactions as filed therein.

6. Attached as Exhibit E is a true and complete copy of Plaintiff's complaint dated July 11, 2016 in the Commercial Action.

7. Attached as Exhibit F is a true and complete copy of a Decision and Order dated July 15, 2016 and filed July 18, 2016 in the Commercial Action.

8. Attached as Exhibit G is a true and complete copy of an Order to Show Cause dated December 20, 2016 in the Commercial Action.

9. Attached as Exhibit H is a true and complete copy of the transcript of proceedings held on May 11, 2017 in the Commercial Action.

10. Attached as Exhibit I is a true and complete copy of the transcript of proceedings held on June 28, 2017 in the Commercial Action.

11. Attached as Exhibit J is a true and complete copy of a Stipulation of Discontinuance dated June 29, 2017, filed in *Buhannic et al. v. TradingScreen Inc.*, Index No. 652034/2017, in the Supreme Court of the State of New York, New York County.

12. Attached as Exhibit K is a true and complete copy of Plaintiff's Notice of Motion dated September 26, 2017 in the Commercial Action.

13. Attached as Exhibit L is a true and complete copy of Plaintiff's Proposed Order to Show Cause dated October 26, 2017 and filed November 3, 2017 in the Commercial Action.

14. Attached as Exhibit M is a true and complete copy of a Decision and Order dated December 12, 2017 and filed December 13, 2017 with the so-ordered transcript of proceedings

held on November 9, 2017 in the Commercial Action, concerning Plaintiff's motion for sanctions.

15. Attached as Exhibit N is a true and complete copy of excerpts from Plaintiff's complaint dated September 14, 2017, filed in *Buhannic et al. v. TradingScreen Inc.*, Index No. 655848/2017, in the Supreme Court of the State of New York, New York County.

16. Attached as Exhibit O are true and complete copies of Amended Notices of Depositions dated October 11, 2017 in the Commercial Action.

17. Attached as Exhibit P is a true and complete copy of a Decision and Order dated November 20, 2017 and filed November 21, 2017, with Plaintiff's letter dated November 13, 2017, in the Commercial Action.

18. Attached as Exhibit Q are true and complete copies of a letter from Shibolet LLP dated November 20, 2017 and a letter from Morgan, Lewis & Bockius LLP dated November 20, 2017, both filed in the Commercial Action.

19. Attached as Exhibit R is a true and complete copy of excerpts from the transcript of proceedings held on February 8, 2018 in the Commercial Action.

20. Attached as Exhibit S are true and complete copies of four Decisions and Orders dated June 7, 2018 and filed June 8, 2018, with the so-ordered transcript of proceedings held on May 15, 2018, in the Commercial Action.

21. Attached as Exhibit T are true and complete copies of an Order to Show Cause dated May 17, 2018 and Affirmation in Support dated May 16, 2018 in the Commercial Action.

22. Attached as Exhibit U is a true and complete copy of the so-ordered transcript of proceedings held on June 7, 2018 in the Commercial Action.

23. Attached as Exhibit V are true and complete copies of a letter from Morgan, Lewis & Bockius LLP dated June 14, 2018 and a Decision and Order dated June 21, 2018 in the Commercial Action.

24. Attached as Exhibit W is a true and complete copy of a letter from Morgan, Lewis & Bockius LLP dated July 23, 2018 in the Commercial Action.

25. Attached as Exhibit X is a true and complete copy of Plaintiff's notice of motion to recuse Justice Friedman and unsworn affidavit in support thereof, dated July 31, 2018, in the Commercial Action.

26. Attached as Exhibit Y is a true and complete copy of Plaintiff's complaint, dated June 28, 2018, in *Buhannic v. Shibolet LLC*, S.D.N.Y. Case no. 18-cv-5846.

27. Attached as Exhibit Z is a true and complete copy of excerpts from the transcript of proceedings held on August 8, 2017 in the Commercial Action.

28. Attached as Exhibit AA is a true and complete copy of excerpts from the transcript of proceedings held on January 11, 2017 in the Commercial Action.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: New York, New York  
August 20, 2018

/s/ Angel M. Guardiola II  
ANGEL M. GUARDIOLA II  
Assistant Attorney General